

REMARKS

New claims 161-166 have been added. These claims require the presence of a nylon 611/dimethicone and correspond to claims 149-153, except that the new claims also require the presence trimethylsiloxysilicate.

Claims 74, 75, 78, 79, 81, 83, 85, 87, 88, 90, 91, 93, 94, 96, 98, 99, 102, 103, 105, 107, 109, 111, 112, 114, 115, 117, 118, 120, 122, 123, 126, 127, 129, 131, 133, 135, 136, 138, 139, 141, 142, 144 and 146-166 are currently pending.

The Office Action rejected the pending claims under 35 U.S.C. § 103 as obvious over the combination of U.S. patent 5,837,223 ("Barone") and PCT patent application publication no. WO 03/013447 ("PCT '447'"). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of this rejection.

The pending claims require the presence of both a silicone-polyamide copolymer and a silicone film forming resin (particularly MQ resin or trimethylsiloxysilicate) in a liquid composition. The applied art would not lead one of ordinary skill in the art to such liquid compositions.

Barone discloses stick compositions (see, col. 1, line 59; abstract). Thus, Barone teaches away from liquid compositions. Moreover, one of ordinary skill in the art would not have been motivated to modify Barone's compositions to make them liquid in direct contravention to Barone's teachings.

PCT '447''s disclosure would not motivate one to ignore Barone's teachings. Stated another way, one of ordinary skill in the art, following Barone, would prepare a solid composition, not a liquid composition, regardless of PCT '447''s disclosure. Thus,

the applied art would not lead one of ordinary skill in the art to the claimed compositions or methods.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103.

The Office Action also rejected the pending claims under the judicially created doctrine of obviousness-type double patenting over claims in U.S. patent 6,958,155 in view of Barone. In view of the following comments, Applicants respectfully request reconsideration and withdrawal of this rejection.

As noted above, Barone discloses solid compositions, so nothing in Barone would teach or suggest preparing a liquid composition. For at least this reason Barone cannot compensate for the identified deficiencies of the claims of the '155 patent, and the combination of the '155 claims and Barone would not lead to the claimed methods or compositions.

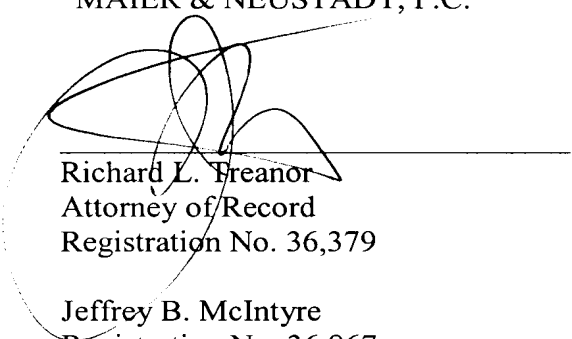
For the above reasons, Applicants respectfully request reconsideration and withdrawal of the obviousness-type double patenting rejection.

Applicants believe that the present application is in condition for allowance.

Prompt and favorable consideration is earnestly solicited

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Frenan
Attorney of Record
Registration No. 36,379

Jeffrey B. McIntyre
Registration No. 36,867

Customer Number

22850

Tel #: (703) 413-3000
Fax #: (703) 413-2220